



Policy: 4302
Chapter: Community Corrections
Rule: Prohibited Possessor Standards

Effective: 11/03/05
Replaces: 4302
Dated: 11/29/99

A.R.S.	A.C.A	A.A.C
§§41-2804, 41-2804, 13-1301, 13-3102, 13-1311. & 13-3113		

All juveniles committed to the Arizona Department of Juvenile Corrections (ADJC) are prohibited possessors of weapons per Arizona Revised Statutes (ARS). ADJC shall provide basic information and directives which includes pertinent ARS and the ADJC conditional liberty conditions regarding firearms and deadly weapons.

Michael D. Branham, Director

Procedure Index:

4302.01 Prohibited Possessor Standards

Form Index

4302.01A Prohibited Possessor Parent Acknowledgement Form
4302.01B Arizona Revised Statutes §§13-3101, 13-3102, 13-1311, and 13-3113

Definitions: Per ARS § 13-13-3101

- 1. Deadly weapon** means anything that is designed for lethal use. The term includes a firearm.
- 2. Deface** means to remove, alter or destroy the manufacturer's serial number.
- 3. Explosive** means any dynamite, nitroglycerine, black powder or other similar explosive material including plastic explosives. Explosive does not include ammunition or ammunition components such as primers, percussion caps, smokeless powder, black powder and black powder substitutes used for hand loading purposes.
- 4. Firearm** means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon that will expel, is designed to expel or may readily be converted to expel a projectile by the action of an explosive. Firearm does not include a firearm in permanently inoperable condition.
- 5. Occupied structure** means any building, object, vehicle, watercraft, aircraft or place with sides and a floor that is separately securable from any other structure attached to it, that is used for lodging, business, transportation, recreation or storage and in which one or more human beings either is or is likely to be present or so near as to be in equivalent danger at the time the discharge of a firearm occurs. Occupied structure includes any dwelling house, whether occupied, unoccupied or vacant.

6. Prohibited possessor means any person:

- a. Who has been found to constitute a danger to himself or to others pursuant to court order under section 36-540, and whose court ordered treatment has not been terminated by court order;
- b. Who has been convicted within or without this state of a felony or who has been adjudicated delinquent and whose civil right to possess or carry a gun or firearm has not been restored;
- c. Who is at the time of possession serving a term of imprisonment in any correctional or detention facility
- d. Who is at the time of possession serving a term of probation pursuant to a conviction for a domestic violence offense as defined in section 13-3601 or a felony offense, parole, community supervision, work furlough, home arrest or release on any other basis or who is serving a term of probation or parole pursuant to the interstate compact under title 31, chapter 3, article 4;
- e. Who is a prohibited possessor under 18 United States Code 922(g)(5), except as provided by 18 United States Code 922(y).

7. Prohibited weapon means, but does not include fireworks imported, distributed or used in compliance with state laws or local ordinances, any propellant, propellant actuated devices or propellant actuated industrial tools that are manufactured, imported or distributed for their intended purposes or a device that is commercially manufactured primarily for the purpose of illumination, including any of the following:

- a. Explosive, incendiary or poison gas:
 - i. Bomb;
 - ii. Grenade;
 - iii. Rocket having a propellant charge of more than four ounces;
 - iv. Mine.
- b. Device that is designed, made, or adapted to muffle the report of a firearm;
- c. Firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger;
- d. Rifle with a barrel length of less than sixteen inches, or shotgun with a barrel length of less than eighteen inches, or any firearm that is made from a rifle or shotgun and that, as modified, has an overall length of less than twenty-six inches;
- e. Instrument, including a nunchaku, that consists of two or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire or chain, in the design of a weapon used in connection with the practice of a system of self-defense;
- f. Breakable container that contains a flammable liquid with a flash point of one hundred fifty degrees Fahrenheit or less and that has a wick or similar device capable of being ignited;
- g. Chemical or combination of chemicals, compounds or materials, including dry ice, that are placed in a sealed or unsealed container for the purpose of generating a gas to cause a mechanical failure, rupture or bursting of the container;
- h. Combination of parts or materials that is designed and intended for use in making or converting a device into an item set forth in subdivision (a) or (f) of this paragraph.
- i. The items set forth in paragraph 7, subdivisions a, b, c and d of this section do not include any firearms or devices that are registered in the national firearms registry and transfer records of the United States treasury department or any firearm that has been classified as a curio or relic by the United States treasury department.